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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/932,815	08/17/2001	Lee S. Pearson	10541-607	5818

7590 02/10/2004

Steven L. Oberholtzer  
BRINKS HOFER GILSON & LIONE  
P.O. Box 10395  
Chicago, IL 60610

EXAMINER
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CHANG, VICTOR S

ART UNIT	PAPER NUMBER
1771	

DATE MAILED: 02/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/932,815

**Applicant(s)**

PEARSON ET AL.

**Examiner**

Victor S Chang

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 7-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 011602 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Election was made **without** traverse in Amendment filed 10/23/2003. Non-elected claims 1-6 have been cancelled. Applicants' amended to the Specification dated 10/23/2003 and newly added claims 8-17 dated 12/22/2003 have been entered.

### ***Specification***

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: "A PLASTICS MOLDED PART WITH A SOFT-FEEL SURFACE".

### ***Oath/Declaration***

3. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

The full name of each inventor (family name and at least one given name together with any initial) and signed by all the Applicants have not been set forth.

### ***Claim Rejections - 35 USC § 112***

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4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 7-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 7, line 4, and throughout, the Examiner suggests to change the term "including" to --comprising--, so as to conform with current U.S. practice. For the purpose of this Office action, it is presumed that the "including" clause is equivalent to the open-ended "comprising" clause.

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 7-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ito et al. (US 5395668).

Ito's invention is directed to an integrally molded product in which a skin is formed on a substrate, and a hinge portion for maintaining the connection of the body and the cover (Abstract). In Figs 6-10, Ito shows a thermoplastic glove door molding comprises a surface layer 161, a back foam layer 162, and an integrally molded substrate 60. Examples of thermoplastics are PVC for layer 161, and polypropylene for

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both layer 162 and substrate 60 (column 3, line 55 to column 4, line 2). Ito also expressly teaches that in the sheet in-mold molded product the substrate 60 is molded to be extended to the front side of the sheet 61 in a U-shaped manner to cover the end portion 163 of the sheet 61. Therefore, the end portions of the sheet 61 and the substrate 60 will not be separated from each other (column 4, lines 54-59). The back foam layer 162 is compressed during molding (column 4, lines 31-34), and springs back to its initial, expanded condition (column 4, lines 43-48). Further, the end portion processing does not need an adhesive, a tacker, a bezel, etc., and therefore the appearance of the end portion, from the viewpoint of design, is excellent (column 4, lines 64-67).

For claims 7-11 and 14, Ito is silent about the range of the initial thickness of the back foam layer. However, it is noted that Ito does expressly teach the integrally molded product provides aesthetic appearance at the end portion, as set forth above, and Ito's process of making the integrally molded product is essentially the same as the instant invention. As such, in the absence of unexpected results, a suitable initial thickness of the back foam, which springs back to form an outer surface which is greater or substantially with the outer surface of the rim, is believed to be either inherently disclosed, or an obvious optimization to one of ordinary skill in the art, motivated by the desire to obtain a cover with suitable softness and an aesthetic molded product.

For claims 12, 13 and 15, the Examiner notes that the recitation "soft material is a laminate with a layer of foam between two flexible webs" is a product-by-process

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limitation. Since Ito's invention inherently encompasses an integrally molded product formed by a process using a layer of foam between two flexible webs, Applicant must show that the resultant article is patentably distinct from those taught by the reference.

For claim 16 and 17, Ito expressly teaches that the surface layer of a molded product may be made of TPO (thermoplastic olefin elastomer), PVC (polyvinyl chloride), urethane, etc. (column 2, lines 44-46).

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. In addition, the following references are cited of interest for making molded product:

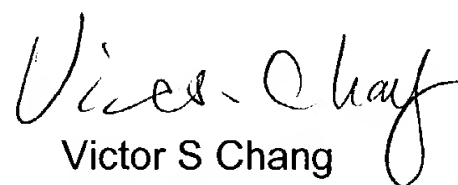
JP 06-023849 (computer translated English copy) is directed to mold laminated sheet by laminating a foamed sheet to a skin for a pad under pressure to obtain a pad member and fitting the peripheral edge of the pad member in a fitting groove under pressure. In Fig. 6, the surface of the pad is shown to be substantially flush with the outer edge of the fixing groove.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor S Chang whose telephone number is 571-272-1474. The examiner can normally be reached on 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel H Morris can be reached on 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-0994.

A handwritten signature in black ink, appearing to read "Victor S. Chang". The signature is fluid and cursive, with the first name "Victor" and last name "Chang" clearly distinguishable.

Victor S Chang  
Examiner  
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